

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Krissy Ann Gorski,

Case No. 22-CV-2123 (KMM/ECW)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Andre Matevousian, Regional Director
BOP; Dr. Reyna, Chief of Psychology,
FCI Waseca; T. Peterson, Health Services
Administrator, FCI Waseca; P.A. Taylor,
Physician Assistant, FCI Waseca; Deanna
Hiller, Unit Manager, FCI Waseca;
Mistell Starr, Warden, FCI Waseca; Ms.
Omelson, Central Office, BOP,
Washington, D.C.; and T. Vaught,
Associate Warden, FCI Waseca,

Defendants.

On September 6, 2022, this Court ordered plaintiff Krissy Ann Gorski, a federal prisoner, to pay an initial partial filing fee of at least \$35.03. *See* Dkt. No. 3. The deadline for paying the initial partial filing fee passed without the Court having received the fee or any further communication from Gorski, and therefore this Court recommended that the matter be dismissed without prejudice for failure to prosecute on October 6, 2022. *See* Dkt. No. 5. The following day, the Court received a letter from Gorski explaining that prison officials would be unable to process her payment request until the week of October 17, 2022. *See* Dkt. No. 6. Gorski requested an extension of the period for paying the required initial partial filing fee. This Court granted the motion,

vacated the earlier Report and Recommendation, and permitted Gorski another 21 days in which to pay the initial partial filing fee, failing which it would again be recommended that his matter be dismissed without prejudice for failure to prosecute.

The extended deadline has now also passed, and Gorski again has not paid the required initial partial filing fee — indeed, more than two months have now passed since this Court assessed the required initial partial filing fee. Accordingly, this Court now recommends for a second time, in accordance with its most recent order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: November 15, 2022

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).